

# **Standards Committee**

## **Agenda**

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**Date:** Monday, 21st September, 2009  
**Time:** 10.30 am  
**Venue:** Committee Suite 1, 2 and 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

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Please contact  
E-Mail:

Carol Jones on 01270 529952  
[carol.jones@cheshireeast.gov.uk](mailto:carol.jones@cheshireeast.gov.uk) with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

4. **Minutes of Previous Meeting** (Pages 1 - 8)

To approve the Minutes of the meeting held on 13<sup>th</sup> July 2009.

5. **Dispensations - Rostherne Parish Council** (Pages 9 - 24)

The report of the Deputy Monitoring Officer describes and explains the requests which have been made by each Member of Rostherne Parish Council for a dispensation to enable them to take part in debate and vote upon any matters relating to the Tatton Estate which come before the Parish Council for consideration.

The applications explain that all Members of the Parish Council are tenants of Tatton Estate which owns all property in the parish of Rostherne, with the exception of the Church, the Vicarage and the Swan Hotel.

6. **Handling of Requests for Dispensations** (Pages 25 - 28)

The report of the Deputy Monitoring Officer relates to whether requests for dispensations should continue to be dealt with by the full Standards Committee or delegated to a Sub-Committee of the Standards Committee.

7. **Public Perceptions of Ethics** (Pages 29 - 36)

The report of the Deputy Monitoring Officer outlines the results of the recent biennial survey conducted by Standards for England into the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for dealing with shortcomings in individuals' behaviour.

The findings relate to measures of perceptions taken in June 2009, and comparisons have been made with data collected in 2005 and 2007.

8. **Pilot Compact Update** (Pages 37 - 46)

To receive the notes of the Working Group discussions held on 4<sup>th</sup> August and 27<sup>th</sup> August 2009 respectively, together with an Interim Progress Report on the Pilot compact.

Mr David Sayer, the Vice-Chairman of the Committee, will report verbally on the deliberations of the Working Group.

9. **Website** (Pages 47 - 48)

To consider a report outlining possible arrangements for the creation of a separate Standards Committee web-page on the Cheshire East Internet.

Members are asked to consider what further action is required to develop the web-page.

10. **Work Programme** (Pages 49 - 50)

A draft Work Programme is enclosed for consideration and approval by the Committee.

**11. Training Requirements for Members**

The Committee is invited to consider future training needs for Members of the Committee and elected Members in general.

**12. Meeting with Cheshire West and Chester Standards Committee**

The Chairman and Vice-Chairman have met with their counter-parts at Cheshire West and Chester Council to discuss matters of common interest.

**PART 2 - MATTERS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC  
AND PRESS**

There are no Part 2 items.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Standards Committee**  
held on Monday, 13th July, 2009 in the Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

**PRESENT**

Mr Nigel Briers (Chairman)  
Mr David Sayer (Vice-Chairman)

Councillors Rhoda Bailey, B H Dykes, J Goddard, M A Martin, M Parsons and  
L Smetham

Independent Members: Mr M Garratt and Mr R Pomlett

Parish Council representatives: Mrs T Eatough and Mr K Edwards

**IN ATTENDANCE:**

Ms Anne Rehill	Standards Board for England
Ms Caroline Matthews	Standards Board for England
Ms Sarah Leigh	Standards Board for England

**APOLOGIES:**

Councillor J Hammond, M A Hollins and Mr I Clark (Independent  
representative) and Mrs P Barnett (Parish Council representative)

**44 CHAIRMAN'S OPENING REMARKS**

The Chairman welcomed to the meeting representatives from the Standards Board for England (Anne Rehill, Caroline Matthews and Sarah Leigh). They had been attending a number of Standards Committee meetings in the North-West in an effort to gain a deeper understanding of their operation.

**45 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Hammond, Mrs P Barnett and Mr I Clark .

**46 DECLARATIONS OF INTEREST**

No Member made any declaration of interest in any item of business on the agenda.

**47 PUBLIC SPEAKING TIME/OPEN SESSION**

In accordance with Procedure Rules Nos. 11 and 35 a total period of 10 minutes was allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

There were no members of the public present and the Committee, therefore, proceeded to its next business.

**48 MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the minutes of the meeting held on 18<sup>th</sup> May be approved as a correct record.

**49 MINUTES OF SUB-COMMITTEE MEETINGS**

**49.1 Minutes of Local Assessment Sub-Committee – 12<sup>th</sup> May 2009**

**RESOLVED**

That the minutes of the meeting of the Local Assessment Sub-Committee meeting held on 12<sup>th</sup> May 2009 be approved as a correct record.

**49.2 Minutes of Hearings Sub-Committee – 12<sup>th</sup> May 2009**

**RESOLVED**

That the minutes of the meeting of the Hearings Sub-Committee held on 12<sup>th</sup> May 2009 be approved as a correct record, subject to the inclusion of the word “Hearings” in the heading.

**49.3 Minutes of Hearings Sub-Committee – 17<sup>th</sup> June 2009**

**RESOLVED**

That the minutes of the meeting of the Hearings Sub-Committee held on 17<sup>th</sup> June 2009 be approved as a correct record.

**50 STANDARDS COMMITTEE DETERMINATIONS**

Members of the Committee received for information the Standards Committee Guide on Determinations. This guidance would assist Members when they became involved in the determination of complaints.

During discussion, reference was made to a draft procedure which had been prepared, for operation at meetings of the Sub-Committees.

**RESOLVED**

That

Subject to the draft procedure being approved by the Monitoring Officer, a copy be issued to all Members of the Committee.

**51 PUBLICITY WORKING GROUP**

**51.1 Draft Publicity Leaflet (Making a Complaint)**

At the meeting held on 18<sup>th</sup> May 2009, it had been reported that the Publicity Working Group had developed a leaflet intended to explain, in a user-friendly manner, the role and work of the Standards Committee.

At that meeting, a draft document was considered and a number of suggested amendments were made. These had been incorporated into a revised document which was now submitted for approval, in principle. A number of editorial amendments were required and the Chief Officer of the Cheshire Association of Local Councils had also suggested an amendment, namely –

Third page of leaflet – heading “Code of conduct” –  
first line to read “*The Councils have adopted a Code of Conduct.....*”

The document was intended for wide distribution; sufficient numbers would be issued to Town and Parish Councils to enable copies to be provided for each Town and Parish Councillor; it was expected that it would be included in the next edition of the Cheshire East newsletter which was distributed to each household in the borough; and copies would be provided for libraries and other appropriate deposit locations.

Mr Pomlett undertook to prepare a brief draft press release for issue to the Communications Team.

**RESOLVED**

That

- (1) The leaflet submitted be approved, subject to amendments discussed at the meeting, and any other minor amendments to be agreed between the Chairman and the Monitoring Officer;
- (2) In due course, the leaflet be issued to Town and Parish Clerks; and
- (3) The leaflet be issued early September 2009.

### **51.2 Guidance on Personal and Prejudicial Interests**

A guidance note on declaration of personal and prejudicial interest had been prepared by the Publicity Working Group and submitted to The Standards Board for England for confirmation.

Neither the Standards Board nor the Monitoring Officer had had the opportunity to consider the document.

#### **RESOLVED**

That subject to comments to be made by the Monitoring Officer and Standards Board for England the guidance note be issued in September 2009.

### **51.3 Council's Website**

It was noted that in due course, the following would be added to the Council's website on the Standards Committee page –

- Publicity leaflet on the work of the Committee (Minute No. 51.1);
- Guidance Note on Personal and Prejudicial Interests (Minute No. 51.2);
- Link to the Standards Board for England and the Adjudication Panel.

## **52 COMPLAINTS FORM**

A draft Complaints Form was submitted for consideration and comment. The form was based on Guidance issued by the Standards Board for England.

One amendment was suggested, namely -

Page 2 – top of document – paragraph *"Please Note: This form is available on the Council's website, but cannot be accepted electronically. Please submit as hard copy to The Monitoring Officer, Westfields, Middlewich Road, Sandbach, CW11 1HZ"*: paragraph to be transferred to Paragraph 4 on page 3, entitled "Making your complaint".

#### **RESOLVED**

That subject to -

- (1) The suggested amendment being made; and
- (2) The agreement of the Monitoring Officer;

The draft Complaints Form be approved.



## 53 PILOT COMPACT

At its meeting held on 18<sup>th</sup> May 2009, the Committee agreed to support the Code of Conduct Pilot Compact for use within Cheshire East.

The Committee had resolved that the Monitoring Officer, together with the Chairman, Vice-Chairman and Mr K Edwards, meet with the Chief Officer of the Cheshire Association of Local Councils to discuss the project and the means by which it could be applied within Cheshire East.

The Vice-Chairman reported on the meeting which was held on 8<sup>th</sup> July 2009.

### RESOLVED

That

- (1) The verbal report of the Vice-Chairman be received;
- (2) A Working Group be established, comprising the Chairman (Mr Nigel Briers), Vice-Chairman (Mr David Sayer), Mrs Teresa Eatough, Mr Ken Edwards and Councillor J Goddard, to develop the scheme;
- (3) The Terms of Reference for the Working Group be approved as follows –
  - (i) To give further consideration to the Pilot Compact and the draft 13-point agreement, and, if appropriate, make recommendations;
  - (ii) To liaise with, and seek further information and guidance from Cheshire Association of Local Councils in respect of service provision, training and costings.
  - (iii) To engage with Cheshire West and Chester Council with a view to defining issues of common interest and procedural benefit;
- (4) An interim written report be submitted to the Committee at its September meeting, with a final report being submitted no later than November 2009;
- (5) The first meeting of the Working Group be held on Tuesday, 4<sup>th</sup> August at 10.30 am in the Municipal Buildings, Crewe, subject to meeting room availability; and
- (6) In the meantime, the Monitoring Officer be asked consider the wider resource and budgetary implications of development of the Pilot Compact.

**54 TERMS OF REFERENCE - ASSESSMENT SUB-COMMITTEE AND HEARINGS SUB-COMMITTEE**

At its meeting held on 18<sup>th</sup> May 2009, the Committee received a verbal report from the Monitoring Officer in respect of practical difficulties encountered with the Terms of Reference for both the Assessment Sub-Committee and the Hearings Sub-Committee.

Members had agreed revisions to the Terms of Reference and had delegated authority to the Monitoring Officer to make any consequential amendments.

The Committee now considered the report of the Monitoring Officer which detailed the changes to the Terms of Reference for two of the standing Sub-Committees, namely (1) Assessment; and (2) Hearings. The Terms of Reference for the Review Sub-Committee remained unaltered.

**RESOLVED**

That the revised Terms of Reference for the Assessment Sub-Committee and the Hearings Sub-Committee be confirmed.

**55 STANDARDS BOARD FOR ENGLAND - BULLETIN 44**

The Committee received for information the Standards Board for England Bulletin No. 44.

Attention was drawn to the changes to the criteria for granting dispensations for Members to speak and vote when they had a personal and prejudicial interest.

**56 TRAINING NEEDS FOR MEMBERS**

The Committee was invited to consider future training needs for Members of the Committee and elected Members in general.

No current training needs were identified.

It was, however, reported that the Annual Assembly of Standards Committees was to be held in Birmingham on 12<sup>th</sup> and 13<sup>th</sup> October.

**RESOLVED**

That subject to budget availability, Mr David Sayer, Councillor Rhoda Bailey and Mrs Teresa Eatough attend the Standards Board Annual Assembly to be held at the International Convention Centre, Birmingham on 12<sup>th</sup> and 13<sup>th</sup> October 2009.

The meeting commenced at 10.30 am and concluded at 11.35 am

Nigel Briers (Chairman)

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## CHESHIRE EAST COUNCIL

### REPORT TO: STANDARDS COMMITTEE

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<b>Date of Meeting:</b>	21 <sup>st</sup> September 2009
<b>Report of:</b>	Deputy Monitoring Officer
<b>Subject/Title:</b>	Rostherne Parish Council – Request for Dispensations

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#### **1.0 Report Summary**

- 1.1 The report describes and explains the requests which have been made by each Member of Rostherne Parish Council for a dispensation to enable them to take part in debate and vote upon any matters relating to the Tatton Estate which come before the Parish Council for consideration. The applications explain that all Members of the Parish Council are tenants of Tatton Estate which owns all property in the parish of Rostherne, with the exception of the Church, the Vicarage and the Swan Hotel.

#### **2.0 Recommendations**

- 2.1 The Committee is asked to consider whether or not to grant each of the dispensations applied for.

#### **3.0 Reasons for Recommendations**

- 3.1 The Regulations described in this report oblige the Standards Committee to make decisions on whether or not to grant dispensations, when applications are received.

#### **4.0 Wards Affected**

- 4.1 Not applicable.

#### **5.0 Local Ward Members**

- 5.1 Not applicable.

#### **6.0 Policy Implications including**

- 6.1 None. There is no policy on the consideration of whether to grant dispensations; the legal provisions described in this report set out the criteria to be taken into account.

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

7.1 None identified.

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 None identified.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 These applications must be determined in accordance with the Standards Committee (Further Provisions) (England) Order 2009 which are outlined in this report.

**10.0 Risk Management**

10.1 Not applicable.

**11.0 Background and Options**

11.1 In April 2006, on receipt of applications, the Standards Committee of Macclesfield Borough Council granted a dispensation to all of the Members at that time of Rostherne Parish Council on the basis that each of them was a tenant of the Tatton Estate which owns all property within the parish, with the exception of the Church, the Vicarage and Swan Hotel. The dispensation allowed those members to speak and vote at meetings when matters pertaining to Planning Applications for the Tatton Estate were discussed. Had it not been for the dispensations, they would all have had prejudicial interests which would have precluded them from doing so under the Code of Conduct for Members. The dispensations were expressed to be in place for a period of 4 years, or whenever the existing term of office of the Members expired, whichever was the shorter.

11.2 The term of office of those members came to an end in May 2008, and as no further dispensation request was received or granted prior to the expiry of those dispensations, there is currently no dispensation in force for any of the members of Rostherne Parish Council.

11.3 There are eight parish councillors on Rostherne Parish Council and requests for dispensations to be granted in the terms described in the respective applications have now been received from each Member). These are reproduced at Appendix 1. Whilst each member must apply separately and each application must be the subject of an individual decision, it will be noted that the circumstances outlined are the same for each application.

- 11.4 The Relevant Authorities (Standards Committee) Dispensations) Regulations 2002 were in force in 2006; these have since been revoked and replaced by Part 4 of the Standards Committee (Further Provisions) (England) Order 2009.
- 11.5 The reason for the current requests put forward in the applications is to enable the Parish Council to conduct its business in relation to matters concerning the Tatton Park estate, because without a dispensation, the Parish Council would be unable to consider any matter concerning Tatton Estate land and property. It is claimed in the applications that this would impair the democratic process. For example, if a planning application in respect of land owned by Tatton Estate, was to be submitted to the Parish Council, all of its Members would be precluded by the Code of Conduct from taking part in debate or a decision on whether or not the application should receive the Parish Council's support, and the Parish Council would consequently be unable to comment at all on the application. This is felt by the applicants to be an unsatisfactory situation.
- 11.6 S54A(1) of the Local Government Act 2000 allows the function of determining dispensation requests to be dealt with by a Sub-Committee of the Standards Committee. However, this is not a matter which has so far been delegated to any of the existing Sub-Committees of the Standards Committee. If the Committee so wished, this function could be delegated. This is the subject of a separate report to the Committee. Irrespective of any decision on that report as to how future dispensation requests should be dealt with, these current applications should now be determined by the full Committee.
- 11.7 The Standards Committee can grant dispensations if it is satisfied that –
- (a) where the transaction of business of the Authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because –
    - (i) the number of Members of the Authority prohibited from voting on the business of the Authority at a meeting exceeds 50% of those Members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
    - (ii) the number of Members prohibited from voting on the business of the Authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting.

- 11.8 The Standards Committee must decide whether it agrees that this situation applies to Rostherne Parish Council. Standards for England (formerly the Standards Board for England) Guidance gives more detail about how applications should be considered and determined.
- 11.9 The Guidance explains that the Standards Committee should ignore any dispensations already granted to other Members, and apply the above criteria, disregarding any other dispensations already allowed. (There are two exceptions to the power to grant dispensations, in that dispensations cannot be allowed for a member to review a decision they have made themselves, or to allow an Executive member with a prejudicial interest to take an executive decision about it on their own, neither of which applies to the Rostherne case).
- 11.10 The Guidance also recommends that the following questions are considered:
- Is the nature of the member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?
  - Is the interest common to the member and a significant proportion of the general public?
  - Is the participation of the member in the business that the interest relates to justified by the member's particular role or expertise?
  - Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee? Ans is the member's interest not a financial one?
- 11.11 The maximum time a dispensation can last for is 4 years. In practice, if the Standards Committee is minded to grant dispensations in these circumstances, the Committee could consider making the time limit 4 years or until the next elections, whichever is the shorter, as the Macclesfield Borough Council Standards Committee did in 2006.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 This is the first occasion on which the Standards Committee has been required to determine a dispensation request. Arrangements for future cases are dealt with in a separate report.

## **13.0 Access to Information**

### **Background papers:**

Standards Committee (Further Provisions) (England) Order 2009  
Standards for England Guidance document "Dispensations"

The background papers relating to this report can be inspected by contacting the report writer:



Name: Julie Openshaw  
Designation: Deputy Monitoring Officer  
Tel No: 01625 504250  
Email: [julie.openshaw@cheshireeast.gov.uk](mailto:julie.openshaw@cheshireeast.gov.uk)

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**STANDARDS COMMITTEE**

**21<sup>ST</sup> SEPTEMBER 2009**

**APPENDIX TO REPORT 5 – DISPENSATIONS – ROSTHERNE PARISH COUNCIL**

DEWFAIR HALL FARM  
CHASTAR RD  
ROSTHERNE  
NR HUNTS LODGE  
WA16 6SP

01565 830 197

I ...EDWARD BLOCKLEY..... a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

This means that we all have a personal and prejudicial interest in matters connected with Tatton Estate and, without a dispensation, no consideration and consultation on such matters could take place at this local level.

It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed ...Edward Blockley.....

19 August 2009

Mauor hodge.  
Rostherne lane.  
Rostherne-Ches.  
WA16 6RS

I AKHIM EUGENE FAHEY a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

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It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed 

19 August 2009

01565 830439

1, Higher Marsh Cottages.  
R. Marsh Lane.  
Rostherne, Ches.  
WA16 6SF.

I, Dominic M. Fenton a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

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It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed D. Fenton

19 August 2009

CICELEY MILL FARM,  
CICELEY MILL LANE,  
ROSTHERNE  
KNUTSFORD  
CHESHIRE  
WA16 6RB.

TEL: 01565 830134

I JOSEPH GATE..... a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

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It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed .....  .....

19 August 2009

2 MARSH COTTAGES  
ROSTHERNE

WA166SE

01565 830594

I THELMA HOROBIN a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

This means that we all have a personal and prejudicial interest in matters connected with Tatton Estate and, without a dispensation, no consideration and consultation on such matters could take place at this local level.

It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed Thelma Horobin

19 August 2009



2, HIGHER MARSH COTTAGES

MARSH LANE

ROSTHERNE

KNUTSFORD

WA16 6SE

01565 830509

I .....Julie Owen..... a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

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It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed ..........

19 August 2009

2. OLD HALL COTTAGES.

ROSTHERNE LANE.

01565 830127

ROSTHERNE.

Nr. KNUTSFORD

CHESHIRE  
WA16 6RT.

I EDWARD ERNEST WAKEFIELD a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

This means that we all have a personal and prejudicial interest in matters connected with Tatton Estate and, without a dispensation, no consideration and consultation on such matters could take place at this local level.

It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed 

19 August 2009

3. Ivy Cottages.

Rostherne.

Ches.

WA16 6RY.

01565 880377.

I FRANCES H. WOODBINE a member of Rostherne Parish Council, wish to apply to Cheshire East Council's Monitoring Committee for a dispensation to cover and vote upon any matters concerning Tatton Estate which come before the Parish Council for consideration. This would include planning applications referred by Cheshire East Council and any matters concerning Tatton Estate land and property - such as the proposed A556 by pass.

Along with all my colleagues on the Parish Council, I am a tenant of Tatton Estate which owns all the property in the Civil Parish of Rostherne apart from the Church, Vicarage and Swan Hotel.

This means that we all have a personal and prejudicial interest in matters connected with Tatton Estate and, without a dispensation, no consideration and consultation on such matters could take place at this local level.

It is felt that this would impair the democratic process at this first tier of local government and this request is made so that the local community should not be put at a disadvantage and we Parish Councillors denied the rights normally automatically enjoyed by our colleagues elsewhere.

Signed ..... fr h woodbine

19 August 2009

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: STANDARDS COMMITTEE**

---

**Date of Meeting:** 21<sup>st</sup> September 2009

**Report of:** Deputy Monitoring Officer

**Subject/Title:** Handing of Requests for Dispensations

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#### **1.0 Report Summary**

- 1.1 The report relates to whether requests for dispensations should continue to be dealt with by full Standards Committee, or delegated to a sub-committee of the Standards Committee.

#### **2.0 Recommendations**

- 2.1 The Committee is asked to make a decision whether or not the function of dealing with dispensation applications should be delegated to a sub-committee; if so, the factors set out in 11 below must be considered.

#### **3.0 Reasons for Recommendations**

- 3.1 The legislative provisions described in this report enable sub-committees of Standards Committees to determine dispensation requests should the Standards Committee so require.

#### **4.0 Wards Affected**

- 4.1 All.

#### **5.0 Local Ward Members**

- 5.1 Potentially all may be affected, should they apply for a dispensation at any time; there are however no specific ward issues for the time being.

#### **6.0 Policy Implications including**

- 6.1 None; the Regulations described in this report set out the criteria to be taken into account.

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

7.1 None identified.

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 None identified.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 The relevant legislative provisions are set out in this report.

**10.0 Risk Management**

10.1 Not applicable.

**11.0 Background and Options**

11.1 Part 4 of the Standards Committee (Further Provisions) (England) Order 2009 sets out the provisions which now govern the handling of applications for dispensations under the Code of Conduct.

11.2 Additionally, S54A(1) of the Local Government Act 2000 allows this function to be dealt with by a Sub-Committee of the Standards Committee. This is not a matter which has so far been delegated to any of the existing Sub-Committees of the Standards Committee, but, if the Committee so wished, this function could be delegated. Membership of a sub-committee would need to be drawn from the membership of the committee, and would need to include at least one independent member, and at least one parish/town council member, and if considering a town/parish application, the parish/town member would need to be present.

11.3 The Standards Committee, or its sub-committee can grant dispensations if it is satisfied that –

(a) where the transaction of business of the Authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because –

(i) the number of Members of the Authority prohibited from voting on the business of the Authority at a meeting exceeds 50% of those Members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or

- (ii) the number of Members prohibited from voting on the business of the Authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting.

11.4 Standards for England (formerly the Standards Board for England) Guidance gives more detail about how dispensation applications should be considered and determined. The Guidance acknowledges the Standards Committee's power to sub-delegate the function to a sub-committee of itself. There is an advantage to doing this, as this enables applications to be dealt with more quickly, as a sub-committee can be set up at relatively short notice after an application is received (subject to the need to comply with Access to Information requirements) whereas if full committee continues to deal with these applications, either the applications must wait until the next scheduled committee, or a special full committee, involving all its members, will need to be convened. So far, only one batch of applications has been received, which fortunately were not so urgent that a special committee meeting was required, and could wait until a scheduled meeting, but future applications may well be more urgent if they are sought in relation to business to be transacted at other council meetings which are more imminent. Although applications for dispensations are expected to be relatively rare, they can arise at any time, and may be urgent, so it is necessary to have a process which is as efficient as possible for dealing with them as and when they arise.

11.5 If the Committee is minded to delegate this function to a sub-committee, it is suggested that this should be called the "Dispensations Sub-Committee" and that, like the Assessment and Review sub-committees, the quorum should be three, and membership selected from the full pool of Standards Committee members available at the time, subject to compliance with the criteria set out in 11.2 above. The Terms of Reference should be "Considering and making decisions in relation to requests for dispensations".

## **12.0 Overview of Year One and Term One Issues**

12.1 This is the first occasion on which the Standards Committee has been required to determine a dispensation request. Arrangements for future cases are dealt with in a separate report.

## **13.0 Access to Information Background papers:**

The background papers relating to this report can be inspected by contacting the report writer:

Standards Committee (Further Provisions) (England) Order 2009  
Standards for England Guidance document "Dispensations"

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: STANDARDS COMMITTEE**

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<b>Date of Meeting:</b>	21 <sup>st</sup> September 2009
<b>Report of:</b>	Monitoring Officer
<b>Subject/Title:</b>	Public Perceptions of Ethics

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#### **1.0 Report Summary**

- 1.1 The report outlines the results of the recent biennial survey conducted by the Standards Board for England into the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for dealing with shortcomings in individuals' behaviour.

The findings relate to measures of perceptions taken in June 2009, and comparisons have been made with data collected in 2005 and 2007.

#### **2.0 Recommendations**

- 2.1 The report is for information only.

#### **3.0 Reasons for Recommendations**

- 3.1 Not applicable.

#### **4.0 Wards Affected**

- 4.1 Not applicable.

#### **5.0 Local Ward Members**

- 5.1 Not applicable.

#### **6.0 Policy Implications**

- 6.1 None identified. However, the results of the survey will be used to inform the Standards Board for England's future policy direction, which in turn, will impact on the work of Standards Committees generally.

#### **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 None identified.

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 None identified.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 None identified.

**10.0 Risk Management**

10.1 Not applicable.

**11.0 Background and Options**

11.1 The Standards Board for England conducts a biennial survey to measure and monitor the public's perceptions of local councillors' ethical standards and its confidence in the redress mechanisms for dealing with shortcomings in individuals' behaviour.

11.2 Its last survey was in 2007, and in 2009, it commissioned the MORI Social Research Institute to investigate the public's perceptions of ethics and attitudes towards local government in order to inform future policy direction.

11.3 The aims of the research are –

- (i) to establish benchmarks of public confidence in local democracy;
- (ii) to examine what behaviour by Members, the public deems acceptable and unacceptable;
- (iii) to investigate how the public develops views on Members' ethical behaviour and about local government and how critical these views are when compared with other factors; and
- (iv) to establish benchmarks of the general public's awareness and perceptions of The Standards Board,

11.4 The findings presented in its latest report represent a summary of the main 2009 findings.

The method adopted was to interview a total of 1,753 (weighted) adults who were interviewed face-to-face in their homes, using Computer Assisted Personal Interviewing. Interviews took place between 11<sup>th</sup> and 16<sup>th</sup> June 2009.

11.5 Caution should be exercised in interpreting perception data. Ipsos MORI (Duffy, 2009) identified five key areas in particular which should be noted -

- (i) Perceptions are just that, and people can be wrong;

- (ii) Media influence on public opinion and their role in agenda-setting of current issues;
- (iii) Relationship between people's political values and the way in which they rate services;
- (iv) Expectations of service-users are rising;
- (v) The way in which people view their local area had been found to be an indicator of satisfaction with services.

Other factors found to influence public perceptions of services are experiences of Council services, levels of Council Tax, the political party in control and the extent to which individuals identify with their local area.

#### 11.6 Findings

The field work for the survey was undertaken in June 2009 and it was to be expected that the MPs' expenses scandal would have an impact on public perceptions of MPs. It was also considered likely that this might also impact on perceptions of local councillors.

- 11.7 Participants were asked a series of questions to establish whether local MPS, Government Ministers and politicians generally tell the truth either "all" or "most of the time". This has fallen since 2007 (-5%, -3% and -3% respectively). Over the same period, perceptions that these groups "rarely" or "never" tell the truth, have increased significantly (+9%, +9% and +10% respectively).

However, in 2009 and post the MPs' expenses scandal, the extent to which the public thinks local councillors tell the truth remains largely unchanged, compared with 2007. The findings show that whilst there has been a negative impact on public attitudes towards local councillors, there has been a more marked effect on perceptions of local MPs, politicians generally and Government Ministers. This suggests that the public are able to distinguish between local and national politicians.

#### 11.8 Complaints

The vast majority of the public have never made a complaint about their local councillor to the Council.

The rise in the proportion of the public who think that the behaviour of local councillors has deteriorated does not translate into a corresponding rise in the number of complaints the public say they have made about local councillors. The level of complaints is similar for 2005, 2007 and 2009 (3%, 4% and 3% respectively).

Of those who have not made a complaint, similar proportions have never wanted to make a complaint about a local councillor in 2005, 2007 and 2009 (89%, 89% and 99% respectively).

- 11.9 Survey participants were asked to rate the behaviour of local councillors. The most frequently expressed perception was that councillor behaviour was neither high nor low (35%). In 2007, the perception was similar (34%).

Respondents were asked the extent to which they thought local councillors exhibited certain types of behaviour (see Appendix 1). The behaviours were based on the Nolan principles (see Appendix 2).

The three behaviours which most respondents thought councillors exhibited “always” or “most of the time” were:

- “they treat people with respect” (42%)
- “they work in the interests of the neighbourhood” (34%)
- “they use their power for their own personal gain” (32%).

The public are now more likely to say that only “a few” or “none” of their local councillors undertake the behaviours outlined in Appendix 1.

The largest increases in the numbers of the public saying that only “a few” or “none” of their local councillors undertake the following behaviours can be seen for:

- “they set a good example for others in their private lives” (+9%)
- “they treat everyone equally” (+7%)
- “they tell the truth” (+6%)

- 11.10 Public perceptions of local councillors have for the most part held up against the recent MPs’ scandal. Local authorities, by contrast, seem to have suffered. Levels of confidence in local authorities’ ability to uncover standards issues have fallen. This could be explained by a recent finding from Ipsos MORI (2009) that despite an increase in ratings of local quality of life by the public, there has been a significant and simultaneous reduction in satisfaction with the way councils operate services.

One-quarter of respondents in the survey were confident that the local authority would uncover any issues, representing a 4% drop in confidence compared with 2007. The proportion of those who were not confident that breaches in standards would be uncovered has increased from 40% in 2007 to 46% in 2009.

Stakeholders (Members and Officers) are more than twice as likely to be confident than the public, that their local authority would uncover a breach of standards in behaviour by a local councillor.

- 11.11 The survey also included an assessment of public awareness of Standards Committees. Only one in five (19%) said they knew that their local authority had a Standards Committee. Of those, eight in ten

said they knew “not very much” or “nothing at all” about what it did (79%). Four in ten said they did not know whether or not their local authority had a Standards Committee (42%).

- 11.12 The survey included an assessment of levels of public interest in what councillors do, and how they do their jobs. Of a set of statements, the most common response (36%) was “I like to know what councillors are doing but I am happy to let them get on with it”, followed by “I’m not interested in what councillors do as long as they do their job” (28%).

Compared with 2005, in 2007 there was an increase in the proportion of those not interested in their councillors and this increase has been sustained in 2009.

- 11.13 Although public perceptions are an important part in assessing impacts on the local standards framework, it cannot be used in isolation to measure impact. As noted above, there are a variety of factors which influence public perceptions, many of which are outside the control of local government and local politicians and partly because there will be other changes which have occurred alongside the local standards framework. The research undertaken is part of a wider research programme which seeks to assess the impacts of the local standards framework.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 This is the first occasion on which the Standards Committee has received the biennial survey results.

## **13.0 Access to Information**

### **Background paper:**

Standards for England “Public perceptions of ethics” – July 2009

The background paper relating to this report can be inspected, or a copy provided, by contacting the report writer:

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## APPENDIX 1

**Table 2**

**Q4 Thinking of all the local councillors in your area, how many councillors, if any, would you say each of the following statements applies to?**

	All/Most			A few/None		
	2007	2009	% point change 07-09*	2007	2009	% point change 07-09*
They are in touch with what the general public thinks is important (A)	26	23	-3	40	45	+5
They do what they promised they would do when elected (B)	18	15	-3	49	53	+4
They explain the reasons for their actions and decisions (C)	26	22	-4	38	45	+7
They make sure public money is used wisely (D)	25	21	-4	42	46	+4
They take bribes (E)	8	8	0	51	53	+2
They own up when they make mistakes (F)	13	12	-1	58	62	+4
They set a good example for others in their private lives (G)	25	20	-5	30	39	+9
They tell the truth (H)	29	25	-4	35	41	+6
They treat everyone equally (I)	31	29	-2	33	40	+7
They use their power for their own personal gain (J)	28	32	+4	40	40	0
They treat people with respect (K)	46	42	-4	24	29	+5
They work in the interest of this neighbourhood (L)	39	34	-5	32	29	+3

Base: 2005 All answering ( 1,027 ), 2007 All answering (1,720), 2009 All answering (1,735)

\*Significant changes (i.e. changes of greater than 2%) have been highlighted.

## Standards for England

## Public perceptions of ethics

Behaviour attributes and also which of the Seven Principles in Public Life it is intended to represent

In the 2005 MORI survey behaviour attributes were devised as loose proxies for the Seven Principles in Public Life. The general public were asked about their perceptions in relation to these behaviour attributes as it was thought it easier for people to relate to.

The same behaviour attributes were used again in this 2007 survey. The table below shows the behaviour attributes and also which of the Seven Principles in Public Life it is intended to represent.

	Behaviour attribute	Seven Principles in Public Life
A	They treat people with respect	<b>Respect for others</b>
B	They work in the interests of this neighbourhood	<b>Honesty Integrity</b>
C	They treat everyone equally	<b>Objectivity Respect for others</b>
D	They set a good example for others in their private lives	<b>Leadership</b>
E	They tell the truth	<b>Honesty Integrity</b>
F	They are in touch with what the general public thinks is important	<b>Personal judgement Selflessness</b>
G	They do not use their power for their own personal gain	<b>Selflessness</b>
H	They explain the reasons for their actions and decisions	<b>Openness</b>
I	They make sure that public money is used wisely	<b>Stewardship</b>
J	They do what they promised they would do when elected	<b>Honesty Integrity</b>
K	They take bribes	<b>Honesty Integrity Duty to uphold the law</b>
L	They own up when they make mistakes	<b>Accountability</b>



**REPORT OF A MEETING OF THE PILOT MODEL COMPACT WORKING GROUP ("the Group") held in Committee Room 3, Municipal Buildings, Earle Street Crewe on Tuesday 4<sup>th</sup> August 2009 at 10.00 a.m**

**Present:** David Sayer (Chair for the Meeting), Nigel Briers, Ken Edwards, Teresa Eatough and John Goddard

**Introduction**

The chairman reported that he had been in contact with Jackie Weaver (JW) Chief Executive Officer (ChALC) who was unable to attend today's meeting but who would be available later in the month. Accordingly it was agreed that the next meeting of the Group would be held on Thursday 27<sup>th</sup> August 2009 at 10.30 am at the Municipal Buildings, Earle Street, Crewe when JW would be invited to attend.

**Budgetary Issues**

Nigel Briers reported that he had received an email from the Monitoring Officer indicating that he (Monitoring Officer) is to meet with the Council Leader and Chief Executive Officer this afternoon (4/8/09) for the purpose of discussing the resource and budgetary implications of any proposed compact implemented along the lines already discussed. Nigel Briers agreed to report back when he had further information.

The Group then discussed the role of ChALC with particular reference to questions of training and costings. Teresa Eatough helpfully outlined the position presently obtaining with respect to training and related costs within the West Basford Parish Council whom she represents within the Standards Committee. It was generally agreed that it would be constructive for questions to be raised with JW at the next Group meeting on the 27<sup>th</sup> August 2009 and the Chairman undertook to provide JW with advance notice of questions relative to costings in time for such meeting.

**Cheshire West**

Nigel Briers reported that he had been in contact with John McGarva (Chair Standards – Cheshire West) and that a meeting the Chairman and Vice Chairman of Cheshire East and West respectively would take place on Friday 4<sup>th</sup> September 2009 at Crewe at 10.30 a.m.

It was explained that the principal purpose of this meeting would be to explore ways and means of working in tandem and furtherance of the principles propounded in the Pilot Compact

*[The Group at this point expressed a wish to be kept informed of developments as information becomes available - the Chairman undertook to ensure that members were kept up to date]*

### **Terms of Reference**

The Working Group's Terms of Reference and Objectives were endorsed as set out in the Resolution to Item 53 in the Minutes of the Meeting of the full Standards Committee held on the 13<sup>th</sup> July 2009.

### **Pilot Compact**

The Chairman reported that he had spoken with Anne Rehill (Advice and Guidance Manager) (AR) from Standards Board for England (SBE) who had been present at the full Committee meeting on the 13<sup>th</sup> July 2009. AR had expressed support for the Working Group and its terms of reference. AR had also pointed out that the original Pilot Compact was now complete and in the process of evaluation by SBE who would report to the Annual Conference in October 2009. The Pilot Compact would continue in the meantime as a work of guidance and reference for those involved in similar schemes.

### **Lines of Communication**

The Group on an issue raised by John Goddard expressed concern that, while the present discussion centred largely on parish councils, it is important to maintain lines of communication with elected councillors, town councils, parish meetings and members of the Standards Committee. Ken Edwards reminded the Group that the suggested Parish Conference and ChALC Annual Meeting were occasions which could usefully be engaged in the communications process and further, in this context, the forthcoming meeting with Cheshire West would hopefully generate exchange of ideas and suggestions for improved communication.

The Meeting concluded at 11.30 a.m.

4<sup>th</sup> August 2009

**REPORT OF A MEETING OF THE PILOT MODEL COMPACT WORKING GROUP ("the Group") held at the Municipal Buildings, Earle Street, Crewe on Thursday 27<sup>th</sup> August 2009 at 10.30a.m.**

**Present:** David Sayer (Chair for the meeting), Nigel Briers, Teresa Eatough, Councillor Lesley Smetham, Chris Chapman (Monitoring Officer) and Jackie Weaver (Chief Executive Officer Cheshire Association of Local Councils) (ChALC)

**Apologies**

Apologies for absence were received from Ken Edwards and Councillor John Goddard

**Introduction**

The Chair welcomed Jackie Weaver (JW) and reminded the Group that JW had been unable to attend the meeting on the 4<sup>th</sup> August 2009 and that in readiness for today's meeting JW and members had been supplied with a list of questions upon which the views of JW would be sought ( a list of such questions is attached and marked Appendix 1). Chris Chapman (CC) advised that following discussions with the Council Leader and Chief Executive the consensus view was, in general terms, supportive of the efforts made by the Standards Committee and the Group to establish a joint system of working with ChALC.

In response JW spoke of ChALC's track record of working with district and parish councils addressing their individual requirements including the Code of Conduct with a view to establishing levels of consistency. In answer to a question from Councillor Smetham (LS) JW confirmed that ChALC did work with councils who are not members of ChALC. The Group then considered the questions listed at Appendix 1 and the issues raised thereby.

**Question 1.**

JW approached this question from two aspects i.e. (1) training already in place e.g. via the County Training Partnership (CTP) which presently takes account of the Code of Conduct and provides both induction and refresher training on approximately six occasions in each year. The role of the Monitoring Officer was referred to and expressed to be likely to be restricted to one of review and signing off the training involved. CC reminded the Group that Cheshire East would be unlikely to fund any contribution to CTP but representation by way of member(s) nominated to serve on CTP could be favourably considered.

JW and CC agreed that the matter discussed thus far represented but one element of the training issue. The second aspect (2) addressed additional and/or specific ("Hot Spot") training and this took account of the statutory duty of Cheshire East acting by the Monitoring Officer to provide training for parish/town council on one (at least) and possibly two occasions in each year which would include not only members but Chairs and Parish

Clerks alike. JW expressed confidence that that such additional training could be achieved by the resources presently available with ChALC, working whenever possible on a one to one basis with the Monitoring Officer and being seen more as a support mechanism rather than as an overseer.

The main thrust of what turned out to be a lengthy discussion was to establish the principle of the Standards Committee and ChALC working together. After dealing with certain ancillary questions JW agreed to provide written costings addressing (a) the cost implications of signing up to CTP and (b) modular pricing of additional training under the second arm of JW's approach. Such information, JW confirmed, could be available within a time scale of approximately 14 days or earlier.

## **Question 2**

JW confirmed that, in general, each parish/town council will fund induction training whereas additional, modular or "Hot Spot" training usually being a requirement of the district council would accordingly be funded by the district council. In response to question from Teresa Eatough (TE) JW confirmed that 80% of parish/town councils subscribe to ChALC and that charges were higher for non members.

## **Question 3**

TE had raised this matter at the Group meeting on 4<sup>th</sup> August 2009. JW advised that, in her view, it is not the responsibility of the Parish/Town Council Clerk to offer advice to members – it being the duty and responsibility of each member to be aware of the requirements of the law in general and the Code of Conduct in particular. JW emphasised the weight of this requirement in terms of both elected and co-opted members. LS commented that this discussion had served to highlight the very different ways in which parish/town councils work.

## **Question 4**

In response to this JW stated that ChALC sought to reach as wide an audience as possible and not restricted to simply the Code of Conduct but also the wider aspects of personal responsibility within local governance.

## **Question 5**

The extensive debate which arose on the issues raised in question 1 and JW's agreement at the conclusion to communicate costings in writing precluded any further discussion on the question.

## **Question 6**

In response JW restated ChALC's seven years experience working with parish and district councils, liaising with respective monitoring officers and the comprehensive training programs evolved. JW, in answer to a question from CC, confirmed that she and her assistant would actively undertake work within the programs.

**Conclusion**

The Chair, on behalf of the Group, thanked JW for her attendance and much appreciated input.

**Next Meeting**

The Group agreed to meet again on Monday 21<sup>st</sup> September 2009 immediately following the meeting of the full Standards Committee on that date convened for 10.30a.m.

The meeting concluded at 11.45a.m

27<sup>th</sup> August 2009

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## Appendix 1

**RE: MEETING OF THE PILOT MODEL COMPACT WORKING GROUP  
("the Group") held on Thursday 27<sup>th</sup> August 2009 . Suggested questions  
for discussion with the Chief Executive Officer Cheshire Association of  
Local Councils who will be in attendance**

1. In its preliminary deliberations the Group expressed some anxiety on the issue of costs with particular reference to training and it would be helpful to know -

- (a) the nature and extent of any proposed training for parish councillors and
- (b) the likely costs involved

2. Staying with costs the Group raised the question of where such costs would lie - should not those Council's who are willing to participate provide funding ?

3. One member (a parish council representative) suggested that training demands could be met if the Parish Council Clerk were keep abreast of legislative changes and the Model Code and thereafter council members drew from this resource in lieu of formal training as such. In such case the cost would be wholly met by the Parish Council concerned.  
The views of the Chief Executive would be appreciated.

4. The Pilot Compact speaks of "a training programme (should be) developed in partnership between Monitoring Officers, ChALC and the Society of Council Clerks to address specific needs of both members and officers in Town and Parish Councils " (Paragraph 9). It would be helpful to know how it is intended that this would work in practice.

5. On costings once again the Pilot Compact speaks of "the Monitoring Officers should (seek to) encourage the use of budgetary resources to support ChALC in delivering the recommendations contained in the Compact". The Group is anxious to look at some approximate figures and it is hoped that the Chief Executive will be able to provide more detail in this respect.

6. Specific details required of the human resources available within ChALC to deliver its side of the compact including profiles of who would be involved and details of the number of employee hours which will be committed to the work.

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**SUBMISSION BY WAY OF INTERIM REPORT TO THE STANDARDS  
COMMITTEE ON THE WORK IN PROGRESS OF THE PILOT COMPACT  
WORKING GROUP (“the Group”)**

**Introduction**

The Group comprising David Sayer (Chair) Nigel Briers, Councillor John Goddard, Ken Edwards and Teresa Eatough was appointed by the Standards Committee on the 13<sup>th</sup> July 2009

**Terms of Reference:**

The Group’s terms of reference are:

- (i) to give further consideration to the Pilot Compact and the draft 13 point agreement and, if appropriate, to make recommendations;
- (ii) to liaise with, and seek further information and guidance from Cheshire Association of Local Councils (ChALC) in respect of service provision, training and costings;
- (iii) to engage with Cheshire West and Chester Council with a view to defining issues of common interest and procedural benefit.

**Work in Progress**

The Group held its first meeting on the 4<sup>th</sup> August 2009 when it was noted that contact had been made with Ms Jackie Weaver, Chief Executive ChALC and that she would be attending the next meeting of the Group on the 27<sup>th</sup> August 2009. It was also noted that the Monitoring Officer had a meeting scheduled with the Council Leader and Chief Executive (Cheshire East) on the same day (4<sup>th</sup> August) in accordance with the resolution at Item 53 of the Minutes of the Standards Committee held on 13<sup>th</sup> July 2009 for the purpose of considering the budgetary implications arising from the Pilot Model Compact and any proposed ‘working together’ with ChALC. Finally it was noted that the Chairman and Vice-Chairman of Standards were to meet informally with their respective counterparts from Cheshire West originally on the 4<sup>th</sup> September but later moved to 14<sup>th</sup> September 2009. [See post for further reference to this meeting]

**The Pilot Model Compact**

In view of the several meetings yet to be held it was decided to postpone further detailed consideration of the Compact until more information is available. It was noted that Standards Board for England (SBE) had expressed support for the Group and its endeavours.

### **Meeting with ChALC**

The Group again met on the 27<sup>th</sup> August 2009 when JW was in attendance and in the meantime the Group and the Monitoring Officer had compiled a set of draft questions for JW and these were disclosed to JW a week prior to the meeting. This meeting and the questions raised prompted a lively discussion a comprehensive note of which (including the questions raised) has been circulated as an enclosure with the agenda papers for today's meeting of the full Standards Committee.

As will be noted from the report of the meeting of the 27<sup>th</sup> August 2009 JW agreed, in response to questions raised, to provide certain information, costings and suggestions in written form which are now to hand and will be considered in the first instance by the Group when it meets at the conclusion of today's meeting.

### **Meeting with West**

This meeting, at the time of compiling and circulating the agenda, has yet to take place and the Chairman of Standards will accordingly submit a verbal report on the 21<sup>st</sup> September 2009.

### **Conclusion**

Members are reminded that this is an interim report only and should be read in conjunction with the respective reports of the meetings of the Group held on the 4<sup>th</sup> and 27<sup>th</sup> August 2009 respectively.

9<sup>th</sup> September 2009

### **Conclusion**

The Standards Committee is respectfully reminded that this is by way of an interim report and a final report will be submitted to the November meeting in the meantime there is much to do and hopefully.....

## **REPORT TO: STANDARDS COMMITTEE**

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**Date of Meeting:** 21<sup>st</sup> September 2009  
**Report of:** Monitoring Officer  
**Subject/Title:** Creation of Standards Committee Web-page

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### **1.0 Report Summary**

- 1.1 The report outlines initial enquiries made in respect of the creation of a web-page for members of the public who wish to make a complaint against a Cheshire East Councillor or a Town or Parish Councillor.

### **2.0 Background**

- 2.1 The construction of the Council's website is such that any member of the public wishing to obtain information about the Standards Committee can only access this through the "Council and Local Democracy" section of the website.
- 2.2 The information provided is limited and is confined to the terms of reference for the Committee, and the agendas, minutes and reports.
- 2.3 It has previously been suggested that there should be a dedicated web-page for the Standards Committee which would enable members of the public to access all relevant information more easily. This web-page would include the publicity leaflet which was approved by the Committee at its meeting in July, the complaints form, and other useful information about the Committee and its Sub-Committees. There would also be a link to the Standards for England website.
- 2.4 Discussions are taking place with Nicky Hughes, the On-Line Services Manager, about the layout and connectivity of a dedicated web-page with a view to this being implemented by the end of October, subject to any technical implications not yet identified.

### **3.0 Recommendation**

The report is for information only. However, Members may have a view on the proposal and any comments can be taken into consideration.

Members of the Committee will be informed of progress on the web-page in due course.

### **4.0 Access to Information**

There are no background papers relating to this report.

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**CHESHIRE EAST STANDARDS COMMITTEE****21<sup>ST</sup> SEPTEMBER 2009****WORK PROGRAMME – 2008-2009**

Month	Item
October 2008	<ul style="list-style-type: none"> <li>• Reports on recruitment of independent members, code of Corporate Governance and training</li> <li>• Recruitment of Parish Council representatives (on-going)</li> <li>• Standards Board for England Conference</li> <li>• Consideration of appointment of independent members.</li> </ul>
November	<ul style="list-style-type: none"> <li>• Feedback from Standards Board Annual Conference</li> <li>• Review of Code of Conduct Induction Sessions</li> <li>• “Whistle-blowing” Policy/Protocol</li> <li>• Website presence</li> <li>• Recruitment of Parish Council representatives</li> </ul>
January 2009	<ul style="list-style-type: none"> <li>• Induction for Independent Members and Parish Council representatives</li> <li>• Report on appointment of Chairman and Vice-Chairman</li> <li>• Sub-Committees</li> <li>• Training DVD</li> <li>• Annual Report</li> <li>• Notification to Parish Councils of changes with effect from 1<sup>st</sup> April 2009.</li> </ul>
March	<ul style="list-style-type: none"> <li>• Finalised Annual Report 2008/2009</li> <li>• Relationship with Parish Councils</li> <li>• Finalise Work Programme 2009/2010</li> <li>• Pilot Compact (trialled between Macclesfield BC and Cheshire Association of Local Councils)</li> <li>• Sub-Committees established</li> </ul>
May	<ul style="list-style-type: none"> <li>• Promotion of work of Standards Committee</li> <li>• Update on outstanding complaints from demised Councils</li> <li>• Training requirements for Members (standing item)</li> <li>• DVD</li> <li>• Pilot Compact (on-going) – Working Group established</li> </ul>
July	<ul style="list-style-type: none"> <li>• Pilot Compact (on-going)</li> <li>• Update from Publicity Working Group, including <ul style="list-style-type: none"> <li>◦ User-friendly publicity leaflet for wide distribution</li> <li>◦ User-friendly guide on personal and prejudicial interests</li> </ul> </li> <li>• Initial consideration of Complaints Form</li> </ul>

## DRAFT WORK PROGRAMME TO MARCH 2010

Month	Item
23 <sup>rd</sup> November	<ul style="list-style-type: none"> <li>Standards Committee dedicated web-page (update)</li> <li>Pilot Compact – final report of Working Group</li> <li>Feedback from the Annual Conference (including SBE evaluation of the original Pilot Compact)</li> <li>Publicity Working Group Update</li> <li>Issues arising out of Town and Parish Councils Conference on 13<sup>th</sup> October.</li> <li>Training requirements for Members (standing item)</li> </ul>
25 <sup>th</sup> January 2010	<ul style="list-style-type: none"> <li>Training requirements for Members (standing item)</li> <li>Publicity Working Group Update</li> </ul>
29 <sup>th</sup> March	<ul style="list-style-type: none"> <li>Annual Report for submission to Council</li> <li>Draft proposed work programme for 2010-2011</li> <li>Training requirements for Members (standing item)</li> </ul>

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